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10 Attorneys for Plaintiff
11 SUNNYSIDE DEVELOPMENT
12 COMPANY LLC

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SUNNYSIDE DEVELOPMENT COMPANY LLC,

Plaintiff,

v.

CAMBRIDGE DISPLAY TECHNOLOGY
LIMITED, CDT OXFORD LIMITED, OPSYS
LIMITED, and JOHN DOES I through V,

Defendants.

**Administrative Motion to
Consider Whether Cases
Should be Related, pursuant
to Civil L.R. 7-11; Notice of
Pendency of Other Action,
pursuant to L.R. 3-13 & 7-11**

Case No. 3:08-CV-01780

Pursuant to Civil Local Rules 3-12, Plaintiff Sunnyside Development Company LLC
“Sunnyside”) hereby (1) files this Administrative Motion To Consider Whether Cases Should be
Related, and (2) provides Notice of Pendency of Other Action or Proceeding, in accordance with
Local Rules 3-13, and 7-11.

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MOTION PURSUANT TO LOCAL RULE 3-12.

Sunnyside files this administrative motion to consider whether this action may be related to an action that is or was pending in this District as defined in Civil L.R. 3-12(a). As a basis for its motion, Sunnyside states as follows:

A description of action previously pending:

The above-captioned action may be related to an action previously pending before the Honorable Judge Patel in this court, entitled *Sunnyside Development Co. LLC v. Opsys Limited*, No. C 05-0553 MHP (N.D.Ca.) (Patel, J.). In that action, Sunnyside obtained a judgment against Opsys Limited in the amount of \$4,853,017.00, representing damages caused by Opsys's breach of its lease obligation to Sunnyside.

A brief statement of the relationship of the other action to the action or proceeding pending in this district:

Sunnyside's present action arises out of efforts to collect the above-mentioned judgment entered in *Sunnyside Development Company LLC v. Opsys Limited*, No. 05-CV-0553 (N.D.Ca.).

**NOTICE OF PENDENCY OF OTHER ACTION OR PROCEEDING PURSUANT
TO LOCAL RULE 13-3.**

No additional actions currently are pending before another United States District Court or an action pending in a State Court.

There is an appeal currently pending before the United States Court of Appeals for the Ninth Circuit, entitled *Sunnsyide Development Company LLC v. Opsys Limited*, Appeal No. 07-16773 (9th Cir.). That appeal arises out of the action, entitled *Sunnsyide Development Company LLC v. Opsys Limited*, No. 05-CV-0553 (N.D.Ca.).

There is an appeal currently pending before the United States Court of Appeals for the Second Circuit, entitled *Sunnyside Development Company LLC v. Bank of New York*, Appeal No. 08-1274-cv (2d Cir.). That appeal arises out of Sunnyside's action, entitled *Sunnyside*

1 *Development Company LLC v. Bank of New York*, Index No. 113409-07, filed in the Supreme
2 Court for the State of New York, and removed by Cambridge Display Technology, Inc. to the
3 United States District Court for the Southern District of New York, entitled *Sunnyside*
4 *Development Company LLC v. Bank of New York*, 07-CV-08825 (LLS) (Stanton, J.).
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6 Dated: May 19, 2008

7 STIGLICH & HINCKLEY, LLP

8 /s/ Michael L. Hinckley
9 By _____
MICHAEL L. HINCKLEY

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12 TRAIGER & HINCKLEY LLP
13 George R. Hinckley, Jr. (GH-7511)
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14 880 Third Ave. 9th Floor
15 New York, NY 10022-4730
16 Tel.: (212) 759-4933

1 PROOF OF SERVICE
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3 I, Michael Hinckley, declare as follows:
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5 I am a citizen of the United States, over the age of eighteen years and not a party to the
6 within entitled action. I am employed at the law firm of STIGLICH & HINCKLEY, LLP 502
7 Seventh Street, San Francisco, CA 94103:
8

9 I served the attached:
10

11 **Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil
12 L.R. 7-11; Notice of Pendency of Other Action, pursuant to L.R. 3-13 & 7-11**

13 on the interested parties in said action, by placing a true copy thereof in sealed envelope(s)
14 addressed as follows:
15

16 Bruce Ericson, Esq.
17 Pillsbury Winthrop Shaw & Pittman LLP
18 50 Fremont Street
19 San Francisco, CA 94105
20

21 and served the named document in the manner indicated below:
22

23 **BY MAIL:** I caused true and correct copies of the above documents, by following ordinary business
24 practices, to be placed and sealed in envelope(s) addressed to the addressee(s), at the law firm of
25 STIGLICH & HINCKLEY, LLP, 502 Seventh Street, San Francisco, CA 94103, for collection and mailing
26 with the United States Postal Service, and in the ordinary course of business, correspondence placed for
27 collection on a particular day is deposited with the United States Postal Service that same day.
28

23 **BY PERSONAL SERVICE:** I caused true and correct copies of the above documents to be placed
24 and sealed in envelope(s) addressed to the addressee(s) and I caused such envelope(s) to be delivered by
25 hand on the office(s) of the addressee(s).
26

23 **BY FACSIMILE:** I caused a copy(ies) of such document(s) to be transmitted via facsimile machine.
24 The fax number of the machine from which the document was transmitted was 865-2538. The fax
25 number(s) of the machine(s) to which the document(s) were transmitted are listed above. The fax
26 transmission was reported as complete and without error. I caused the transmitting facsimile machine to
27 print a transmission record.
28

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.
23

24 Executed May 19, 2008, at San Francisco, California.
25

26 /s/ Michael Hinckley
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